

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Selene Danielle Arriaga,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No: 20-cv-4498
	)	
Thomas J. Dart, Sheriff of Cook County, Illinois;	)	The Honorable Judge Virginia Kendall
The Northeast Regional Commuter Railroad	)	Presiding
Corporation d/b/a Metra; Cook County, Illinois;	)	
Marie Rangel, Joseph Perez; Paul Riggio; David	)	
Cammack; Theodore Stajura; and Timothy	)	Magistrate Judge Maria Valdez
O'Donnell,	)	
	)	
Defendants.	)	
	)	
	)	

**DEFENDANTS' JOINT MOTION TO STAY DISCOVERY**

Defendants, Thomas J. Dart, Sheriff of Cook County, Cook County, Maria Rangel, David Cammack, Theodore Stajura, and Timothy O'Donnell (together "Cook County Defendants"), by their attorney, Kimberly M. Foxx, State's Attorney of Cook County, through her Assistant, Nazia Hasan, and The Northeast Regional Commuter Railroad Corporation d/b/a Metra, Joseph Perez and Paul Riggio ("together "Metra Defendants"), by their attorney, Stephen G. Goins, move this Honorable Court pursuant to Rule 26(c)(1) to stay discovery pending rulings on the motions to dismiss. In support of the motion, Defendants state as follows:

1. On November 2, 2020, Cook County Defendants filed their Rule 12(b)(6) motion to dismiss Plaintiff's Complaint. [Dkt. #30]. The court entered a briefing schedule on the motion

to dismiss which requires that Plaintiff respond to the motion to dismiss by November 17, 2020 and the Cook County Defendants reply by November 24, 2020. [Dkt. #32].

2. The Metra Defendants' motion to dismiss is fully briefed. [Dkt. #16, 21, 29].

3. The motions are set for status hearing on January 12, 2021 [Dkt. #32].

4. A district court has broad discretion over pretrial discovery rulings. *Thermal Design, Inc. v. Am. Soc'y of Heating, Refrigerating & Air-Conditioning Engineers, Inc.*, 755 F.3d 832, 837 (7th Cir. 2014).

5. A court may, "for good cause," limit the scope of discovery to "protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Fed.R.Civ.P. 26(c)(1). "Before restricting discovery, the court should consider the totality of the circumstances, weighing the value of the material sought against the burden of providing it and taking into account society's interest in furthering the truthseeking function in the particular case before the court." *Patterson v. Avery Dennison Corp.*, 281 F.3d 676, 681 (7th Cir. 2002).

6. The Defendants' seek that the court stay discovery pending a ruling on their motion to dismiss all claims alleged. Based on the nature of the claims asserted, the Defendants reasonably believe that the claims against them may be dismissed under Rule 12(b)(6).

7. Furthermore, Plaintiff sued six individual defendants and the imposition of discovery before the parties are at issue would create an undue burden and expense on the Defendants.

8. The Defendants have not yet answered or filed affirmative defenses to the Plaintiff's complaint.

9. This case is set for an initial status hearing on November 9, 2020, at which time the court is expected to set a scheduling order under Rule 16(b) and based on the court's standing order.

10. Staying discovery until the court has ruled on the pending motions to dismiss would significantly expedite this litigation and limit the nature of the discovery sought.

11. This request is made in good faith, for good cause, and is in no way intended to prejudice Plaintiff or delay these proceedings.

12. Counsel has inquired with Plaintiff's counsel on their position as to this request. Plaintiff's counsel opposes the motion.

WHEREFORE, Defendants Thomas J. Dart, Sheriff of Cook County, Cook County, Maria Rangel, David Cammack, Theodore Stajura, and Timothy O'Donnell, and Defendants The Northeast Regional Commuter Railroad Corporation d/b/a Metra, Joseph Perez and Paul Riggio, respectfully request that this Honorable Court stay discovery pending a ruling on the motions to dismiss.

Date: November 5, 2020

Respectfully submitted,

KIMBERLY M. FOXX  
State's Attorney of Cook County

By: /s/ Nazia Hasan

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Railroad Corporation, d/b/a Metra, and  
Joseph Perez

By: /s/ Stephen G. Goins

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on November 5, 2020, she electronically filed the foregoing document with the Clerk of the Court for the Northern District of Illinois by using the CM/ECF system. All participants in the case are registered CM/ECF users who will be served by the CM/ECF system pursuant to Rule 5(b)(2)(E) and LR 5.9.

By: /s/ Nazia Hasan